

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 20-49216

JASON ROBERT WYLIE,
and LEAH S. WYLIE,

Chapter 7

Debtors.

Judge Thomas J. Tucker

TIMOTHY MILLER, TRUSTEE,

Plaintiff,

vs.

Adv. Pro. No. 21-4088

KATHLEEN SULLIVAN,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR ORDER
DISQUALIFYING COUNSEL MORRIS & MORRIS ATTORNEYS, P.L.L.C.**

This adversary proceeding is before the Court on the Plaintiff's motion, filed October 5, 2021, entitled "Plaintiff's Motion for Order Disqualifying Defendant's Counsel Morris & Morris Attorneys, P.L.L.C. and Striking Documents Filed by Morris & Morris Attorneys, P.L.L.C." (Docket # 53, the "Motion"). The Defendant filed a timely response objecting to the Motion.

The Court concludes that a hearing on the Motion is not necessary, and that the Motion must be denied for the following reasons.

First, this Court lacks jurisdiction to rule on the merits of the Motion, because of the appeal that is currently pending in the United States District Court.

Second, even if this Court had jurisdiction to enter an order disqualifying the Morris firm in this case, and found that such disqualification should be ordered, there is no valid legal basis, in any event, for this Court to "strike" Defendant's notice of appeal or appeal-related papers which were filed by the Morris firm.

Third, the question of whether the Morris firm should be disqualified from representing the Defendant in the pending appeal is an issue for the district court to decide, not this Court.

For these reasons,

IT IS ORDERED that the Motion is denied, in its entirety.

IT IS FURTHER ORDERED that this Order is without prejudice to the Plaintiff's right to file a motion in the United States District Court, where the Defendant's appeal is pending, seeking disqualification of the Morris firm and any related relief in that appeal.

Signed on October 21, 2021



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge